



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 02-771
April 5, 2002

MEDIA BUREAU ACTION

APPLICATION OF DOTCAST, INC. FOR APPROVAL OF SYSTEM FOR INSERTION OF NON-VIDEO DATA PURSUANT TO SECTION 73.682

“PERMIT BUT DISCLOSE” *EX PARTE* STATUS ACCORDED

On November 1, 2001, Dotcast, Inc. (“Dotcast”) filed an application for Approval of System for Insertion of Non-Video Data Pursuant to Section 73.682 (the “Application”), which it later supplemented. On March 1, 2002, the Commission issued a Public Notice, DA 02-472, announcing that the Application had been filed. On March 22, 2002, Metropolitan Area Networks, Inc. filed an informal objection to the application. On March 26, 2002, Dotcast filed a Motion to Change *Ex Parte* Status.

Because this proceeding involves broad public policy issues, the proceeding will be treated as “permit-but-disclose” under the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Accordingly, by this Public Notice, and pursuant to Section 1.1200(a) of the Commission’s rules, 47 C.F.R. § 1.1200(a), we announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to nonrestricted proceedings under Section 1.1206 of the Commission’s rules, 47 C.F.R. § 1.1206.¹

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation with the Commission, as set forth below, no later than the next business day after the presentation. 47 C.F.R. § 1.1206(b)(1). Persons making oral *ex parte* presentations must file a summary of the presentation, as set forth below, and deliver copies to the Commissioners or Commission employees involved with the presentation no later than the next business day after

¹ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner’s assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1201.

the presentation. 47 C.F.R. §1.1206(b)(2). All *ex parte* filings must be clearly labeled as such and must reference this Public Notice, DA 02-771, as well as any other applicable docket or file numbers.

Parties making oral *ex parte* presentations are directed to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.² More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well.

In this proceeding, parties must file paper *ex parte* submissions including an original and one copy with the Commission's Acting Secretary, **William F. Caton, 445 12th Street, S.W., TW-B204, Washington, D.C. 20554**. All filings sent to the Commission by overnight delivery, e.g. Federal Express, must be sent to the Commission's Acting Secretary, William F. Caton, at the foregoing street address but with Zip Code **20024**. All hand-delivered or messenger-delivered filings must be delivered at the Commission's new filing location in downtown Washington D.C.: **236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002-4913**.³ The filing hours at this facility are 8:00 a.m. to 7:00 p.m.

In addition, interested parties must serve the following with either one electronic copy via e-mail or a paper copy of each pleading or *ex parte* submission: (1) Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, facsimile (202) 863-2898, or email at qualexint@aol.com; and (2) Keith Larson, Media Bureau, 445 12th Street, S.W., Room 2-C420, Washington, D.C. 20554, telephone (202) 418-2600 or e-mail at klarson@fcc.gov.

Copies of the Application and any subsequently filed documents in this matter may be obtained from Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, and will also be available for public inspection and copying during normal reference room hours at the Commission's Reference Information Center, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554.

Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 voice, (202) 418-7365 TTY, or send an e-mail to bmillin@fcc.gov.

For further information, contact Keith Larson (202) 418-2600 of the Media Bureau. Press inquiries should be directed to Michelle Russo (202) 418-2358 of the Media Bureau. TTY: (202) 418-7172 or (888) 835-5322.

² See *Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings*, Public Notice, FCC 00-358, 15 FCC Rcd 19945 (2000).

³ See *FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence*, Public Notice, DA 01-2919 (rel. Dec. 14, 2001).